



# General Assembly

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### Promotion and protection of the rights of children

## **Building rights-based and comprehensive national child protection systems to prevent and combat the sale of children, child prostitution and child pornography**

### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly, in accordance with resolution 65/197, the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid.

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\* A/66/150.



## Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

### *Summary*

The present report is being submitted pursuant to General Assembly resolution 65/197. It describes the activities undertaken by the Special Rapporteur on the sale of children, child prostitution and child pornography in the discharge of her mandate since her last report to the Assembly.

The report is intended to be used as a working tool for effectively implementing the recommendations formulated since the beginning of the mandate by providing the guiding principles and essential components of a comprehensive rights-based child protection systems aimed at preventing and combating the sale of children, child prostitution and child pornography.

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## **I. Working methods and activities**

### **A. Working methods**

1. In its resolution 65/197, the General Assembly requested the Special Rapporteur on the sale of children, child prostitution and child pornography to continue to submit reports to the Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate. The present report contains information on the activities undertaken from July 2010 to July 2011 and aims to serve as a guiding tool for the effective implementation of the recommendations formulated since the beginning of the mandate.

### **B. Activities**

#### **1. Human Rights Council**

2. The annual report of the Special Rapporteur submitted to the Human Rights Council at its sixteenth session (A/HRC/16/57 and Add. 1-5 and Add.1/Corr.1) included the reports on her visits to the United Arab Emirates (12-18 October 2009), Senegal (21-30 October 2009), El Salvador (23-31 August 2010) and the United States of America (12-27 October 2010) and a summary of her communications to Governments and the replies she received between 16 June 2009 and 23 January 2011. As requested by the Council in its resolution 13/20, she also reported, jointly with the Special Representative of the Secretary-General on Violence against Children, to the Council at its sixteenth session on the subject of accessible and child-sensitive counselling, complaint and reporting mechanisms to address incidents of violence, including sexual violence and exploitation (A/HRC/16/56). The Special Rapporteur will submit her next annual report to the Human Rights Council at its nineteenth session, in March 2012.

#### **2. Country visits**

3. Since her last report to the Human Rights Council, the Special Rapporteur has visited Mauritius (1-11 May 2011). The Special Rapporteur's preliminary observations on that visit are contained in a press statement.<sup>1</sup> The Special Rapporteur will make an official visit to France in November 2011.

#### **3. Conferences, seminars and engagement with civil society**

4. The Special Rapporteur participated in numerous conferences and seminars during the period under review. In July 2010, she attended a regional conference in Dakar on children's mobility in West and Central Africa. In September 2010, she participated in a meeting on a draft directive of the European Parliament on combating the sexual abuse and sexual exploitation of children and child pornography. In September and October 2010, she organized consultations in the framework of preparations for the joint report on child-sensitive counselling and complaint and reporting mechanisms. In October 2010, she participated in a conference in Barcelona, Spain, on child mobility organized by the Global

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<sup>1</sup> Available in French only from [www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=11007&LangID=F](http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=11007&LangID=F).

Movement for Children, the Generalitat de Catalunya (the autonomous regional government of Catalonia) and Save the Children United Kingdom. In November 2010, she attended a conference on improving the implementation and follow-up of the observations and views of treaty bodies, the recommendations of special procedures mandate holders and the outcomes of the universal periodic review, organized in Geneva by the Open Society Justice Initiative, the Brookings Institution (in the context of its foreign policy programme) and UPR Watch. In January 2011, the Special Rapporteur participated in consultations on national action plans on the right to water and sanitation organized by the Special Rapporteur on the human right to safe drinking water and sanitation. In March 2011, she participated in an event organized in parallel to the sixteenth session of the Council on children on the move in street situations. Also in March, she attended a regional workshop held in Brussels on follow-up to the outcomes of the universal periodic review and the recommendations of other human rights mechanisms. In May 2011, she participated in a symposium entitled "Migration and youth: harnessing opportunities for development", organized in New York by the Global Migration Group. In June 2011, she participated in consultations on draft guiding principles on extreme poverty and human rights organized by the independent expert on the question of human rights and extreme poverty and attended an expert seminar on discrimination on the basis of work and descent hosted by the independent expert on minority issues. In July 2011, she moderated a segment of the expert meeting on the legal framework required to prohibit, prevent and respond to all forms of violence against children co-organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Special Representative of the Secretary-General on Violence against Children, the Inter-Parliamentary Union and the International NGO Advisory Council for follow-up to the study on violence against children of the Secretary-General.

## **II. Building rights-based and comprehensive national child protection systems to prevent and combat the sale of children, child prostitution and child pornography**

### **A. Introduction**

#### **1. Context**

5. In her previous report, submitted to the General Assembly in 2010, the Special Rapporteur highlighted some of the achievements gained in combating the sale of children, child prostitution and child pornography (see A/65/221, sect. C). Nevertheless, many challenges remain with respect to gauging the full scope of these offences, preventing their occurrence, investigating and prosecuting offenders and providing effective protection to children who are victims, witnesses and at risk of being sold or of becoming the victims of prostitution and pornography.

6. Serious challenges persist in spite of all the standards that exist at the international level (e.g. the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography; the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182), of the International Labour Organization; and the Protocol to Prevent, Suppress and Punish Trafficking in

Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime) and at the regional level (e.g. the African Charter on the Rights and Welfare of the Child; the Inter-American Convention on International Traffic in Minors; and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse), and global commitments (e.g. the Stockholm Declaration and Agenda for Action of 1996; the Millennium Development Goals; the Yokohama Global Commitment of 2001; and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents of 2008).

7. While interacting with relevant stakeholders (States, national human rights institutions, civil society and children) throughout her mandate, and particularly during her country visits, the Special Rapporteur has noted the need for further practical guidance on the effective implementation of those instruments, including the provisions of the Optional Protocol and the recommendations formulated by the Special Rapporteur in the context of thematic focus areas.

## **2. Objective of the report**

8. By providing a detailed outline for the creation of comprehensive child protection systems, the present report seeks to provide a practical guiding tool that will assist all stakeholders in enhancing the effectiveness of activities for the protection and promotion of children's rights.

9. The report is based on the work carried out by the Special Rapporteur and her predecessors, including through country visits, and on reports and studies of United Nations human rights mechanisms and agencies and other regional and international organizations.

## **B. Rights-based child protection systems: general principles**

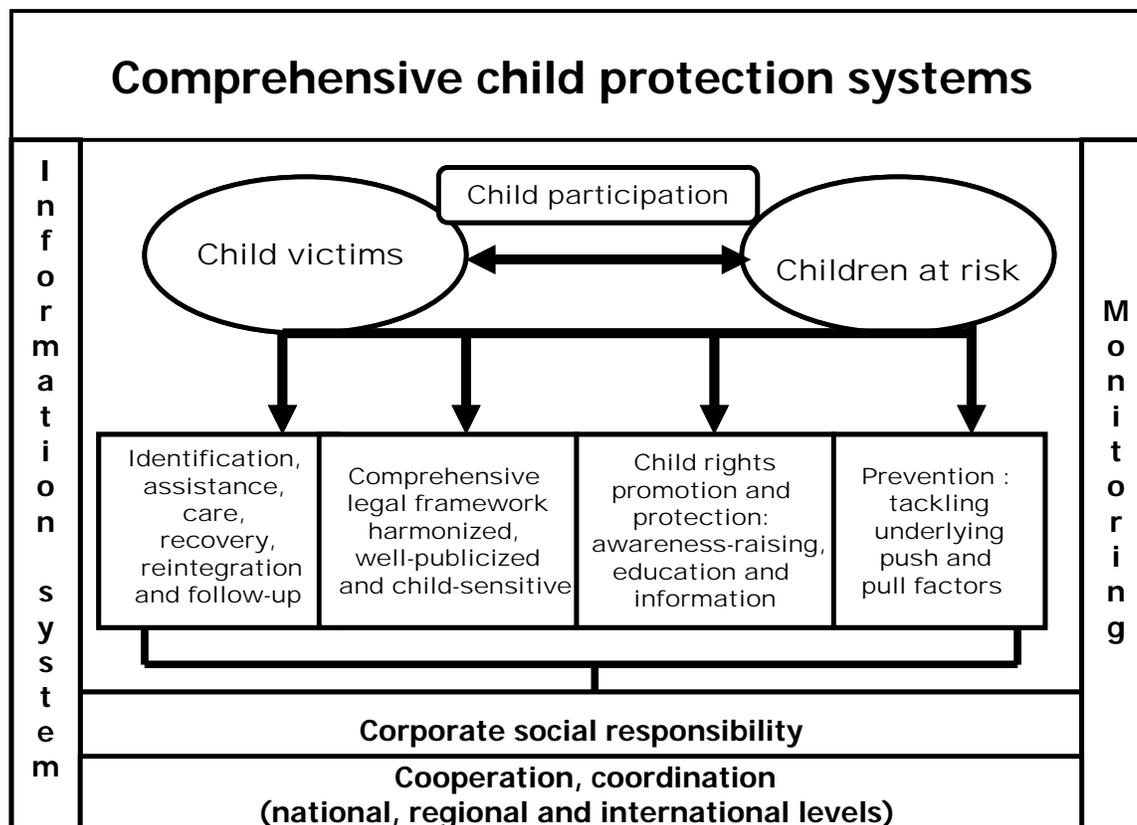
10. Since taking up her functions in 2008, the Special Rapporteur has focused on the need for a holistic and comprehensive approach that is child-centred, in order to protect all children, without discrimination, from being sold and sexually exploited.

11. The sale and sexual exploitation of children are fuelled by a number of interdependent factors stemming not only from the local or national context in which the child lives and was raised (political, legislative, cultural, environmental, socio-economic and institutional) but also from the global context (tourism, communications technology, the financial crisis, the food crisis and climate change). This multifaceted and complex context necessitates a response that incorporates an integrated approach with a view to putting in place, with the effective participation of children, genuinely local and national child protection systems.

12. To that end, there must be a shift away from the fragmented child protection responses we frequently see towards the proactive development of comprehensive, sustainable and context-specific child protection systems. Concerted efforts must be made to establish a coordinated set of social norms, laws, policies, regulations and services, capacities and monitoring and oversight activities across all social sectors —

especially social welfare, education, health, security and justice — to prevent and respond to child protection-related issues and risks (see figure below).<sup>2</sup>

Figure



13. In order to be functional and effective, child protection systems should:

(a) Focus on the child and have, as their primary consideration, the promotion of the child's best interests;

(b) Be governed by comprehensive laws that are compliant with international standards and by national policies and regulations (establishing mandates, responsibilities, standards and systems of supervision to ensure compliance);

(c) Include both formal and informal mechanisms (that rely, for example on a traditional and custom-based authority or on community-based organizations) and formalize their mandate through the law and government regulations;

(d) Ensure that child-sensitive services are available at all levels and that such services are regulated by quality standards (implemented by knowledgeable, well-trained staff and with adequate resources) and accessible to all children without discrimination;

<sup>2</sup> See United Nations Children's Fund ,Child Protection System Mapping and Assessment Toolkit, available from [www.unicef.org/protection/index\\_54229.html](http://www.unicef.org/protection/index_54229.html).

(e) Integrate children's views and experiences through their effective participation and inclusion;

(f) Ensure that all providers of services to children and families (the public sector, civil society organizations) are held accountable through the effective regulation and monitoring, at all levels, of child protection standards.

## **C. Rights-based child protection systems: components**

### **1. Clear normative and conceptual framework**

14. The starting point for any adequate response to the sale of children, child prostitution and child pornography must be the establishment of clear definitions of those phenomena in national legislation. This conceptual clarity is a sine qua non condition for avoiding legal gaps, ensuring the proper identification of child victims and promoting the effective implementation of the legislation.

15. The effectiveness of child protection laws is often hampered by disparities and the use of imprecise definitions, which can lead to certain acts remaining unpunished, corruption, selective enforcement or, in extreme cases, a general culture of impunity.

16. The Convention of the Rights of the Child and its Optional Protocol are fundamental tools for strengthening the protection of children and punishing offenders. They provide extremely useful definitions, thus allowing all stakeholders to share a common understanding and interpretation of the following terms:

(a) A "child" is defined as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier". The same definition applies to the Optional Protocol. Some States define a child as an individual under the age of 18, while others take into account the age of criminal responsibility or the age of consent to sexual activity. These variations can create uncertainty in law enforcement;

(b) The "sale of children" is defined as "any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration". The sale of children can occur for the following purposes: sexual exploitation, forced labour, the transfer of organs and illegal adoption;

(c) "Child prostitution" is defined as "the use of a child in sexual activities for remuneration or any other form of consideration". This includes offering, obtaining, procuring or providing a child for child prostitution. The phrase "any other form of consideration" means that child prostitution is taking place even when a child is being used in sexual activities in exchange for goods, services or favours such as food, lodging or drugs, not only in exchange for money;

(d) "Child pornography" is defined as "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes". This definition refers to all activities undertaken for the purpose of producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography. New developments in the use of communications technologies (blogs, mobile telephony and online social networks) demand the constant adaptation of conceptual and normative frameworks. The Council of Europe

recently adopted the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which provides the most updated definitions and detailed standards in that regard. In addition to addressing the involvement of children in sexual abuse, prostitution and pornography, the Convention addresses the issues of “grooming” (the use of online technologies to solicit children for sexual purposes) and sex tourism.

17. Despite clear definitions, the interpretation of concepts can be a difficult and challenging process, especially when definitions overlap. There are, for instance, various links between the sale of children, the trafficking in children, the forcing of children into labour and the recruitment of children for use in armed conflict.

18. The trafficking in and sale of children are overlapping concepts, but they are not identical. Pursuant to article 35 of the Convention on the Rights of the Child, States parties are required to take measures to prevent both the traffic in and sale of children.

19. There is often confusion between sexual exploitation and sexual abuse, particularly when they occur within the family. In the context of the Optional Protocol, sexual exploitation covers the use, recruitment or offer of a child for purposes of prostitution or pornographic material or performances. Forced and early marriage can be considered a form of sale for the purpose of sexual exploitation. One manifestation of this is the offering of young girls as wives to men — often older men — in exchange for money.

20. States parties to the Optional Protocol are specifically required to prohibit the sale of children for the purpose of engagement in forced labour. Pursuant to Convention No. 182 of the International Labour Organization, “the worst forms of child labour” include the “forced or compulsory recruitment of children for use in armed conflict”.

21. The question is not, however, how to categorize these offences, but whether the responses to them, in terms of protecting children and punishing offenders, are adequate and comply with the provisions set out in the various international instruments to which States are parties.

## **2. Reliable and regular information on the prevalence of and knowledge about the phenomenon**

22. The full extent to which the sale of children, child prostitution and child pornography occur is difficult to assess because data are scarce and often unreliable. The culture of silence that surrounds these crimes due to fear, cultural taboos, shame and a lack of confidence in the justice system results in high levels of underreporting, exacerbating difficulties in collecting data.

23. The establishment of a centralized, standardized and reliable information system is essential to an accurate understanding of the scope of these phenomena and is key to the establishment and resourcing of appropriate and effective prevention and response strategies. Standardization would make it possible to analyse data and emerging and long-term trends, and would provide relevant entities at the national level the opportunity to share information.

24. A reliable information system should be based on the following principles:

- (a) A common understanding of the conceptual elements;

(b) A rigorous method for the collection and processing of sufficient quantities of reliable data disaggregated by age, sex, location (urban or rural areas) and need for special protection.<sup>3</sup> Data collected should reflect different forms of exploitation, including the sale of and traffic in children for sexual and other exploitative purposes, such as forced labour, illegal organ transfer and illegal adoption;

(c) The establishment of national indicators, particularly when data are supplemented with qualitative and quantitative research studies. Indicators can be essential evaluative tools to assess progress, identify remaining challenges and inform the development of further legislative, policy and programmatic measures;<sup>4</sup>

(d) Awareness-raising among children, families and communities to combat stereotypes and cultural resistance that can contribute to underreporting and undermine the collection of relevant data;

(e) Qualitative and quantitative surveys and research regarding both the prevalence of and knowledge about these phenomena;

(f) Effective means of coordinating the intersectoral exchange of information within and between the regional and international levels;

(g) The opportunity for children to have their views heard and taken into consideration in the processes of data collection and conducting of research, provided that appropriate safeguards are in place.

### **3. Legal framework prohibiting, preventing and responding to all forms of sale and sexual exploitation of children**

25. Several international and regional instruments on the rights of children contain provisions and detailed standards that prohibit, prevent and respond to all forms of sale and sexual exploitation of children:

(a) The Convention on the Rights of the Child promotes a comprehensive system for protecting children from violence and from sexual and other forms of exploitation (articles 34 and 35 specifically recognize the right of children to be protected from sexual exploitation and sexual abuse, for any purpose or in any form);

(b) The Optional Protocol requires States parties to prohibit the sale of children, child prostitution and child pornography, adapt legal and investigative procedures to the special needs of child victims, including as witnesses, provide support services, inform children of their rights, their role and the scope, timing and progress of proceedings, avoid unnecessary delay, allow the views, needs and concerns of children to be presented and considered, uphold their right to privacy and protect them against intimidation and retaliation. In addition, the Optional

<sup>3</sup> See general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6).

<sup>4</sup> Since 2006, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has worked with States, national human rights institutions, non-governmental organizations, specialized agencies of the United Nations and other stakeholders to develop a conceptual and methodological framework and indicators. From these efforts, OHCHR has developed a practical guide to help disseminate and implement the conceptual and methodological framework on the use of indicators.

Protocol provides for the best interests of the child to be a primary consideration in the treatment of victims in the criminal justice system and for the persons who work with victims to receive appropriate training;

(c) Other international and regional child rights instruments complement the Convention and the Optional Protocol and outline useful and detailed standards with a view to prohibiting, preventing and responding to the sale of children, child prostitution and child pornography, thus emphasizing the indivisibility and interdependence of rights.

#### *Guiding principles*

26. National legal frameworks (civil and penal) should be harmonized with ratified international instruments. They should be accompanied by binding measures and mechanisms inscribed into a comprehensive legal framework that forms part of a comprehensive child protection strategy.

27. Comprehensive legal frameworks that embrace both civil and penal laws and cover prohibition, prosecution, protection, care, assistance and prevention should include the specific provisions set out in paragraphs 28 to 31 below.

28. With regard to prohibition, comprehensive legal frameworks should:

(a) Define, prohibit and criminalize, in accordance with existing international human rights standards, all the offences covered in the Optional Protocol (including the new forms of sexual exploitation committed through the use of information technology and social networks, among others) and set minimum penalties that reflect the gravity of the crimes;

(b) Establish an age limit of 18 years for defining a person as a child in relation to offences covered in the Optional Protocol, prevent the criminalization of a person under this age limit for offences covered in the Optional Protocol and recognize that the consent of a child is not relevant, even in cases when the adult is unaware of the child's age;

(c) Establish 18 years as the minimum age of marriage for girls and boys, with a prohibition on the procurement, offering, conducting of or forcing into an under-age marriage;

(d) Establish extraterritorial jurisdiction, abolish the requirement of double criminality for these offences and facilitate mutual legal assistance in order to secure the effective prosecution of perpetrators and the implementation of appropriate sanctions while making all acts related to the sale and sexual exploitation of children extraditable offences in existing or newly established extradition treaties;

(e) Introduce criminal investigations and the initiation of proceedings (a number of provisions would need to be invoked to assist in the investigation of offences and the pressing of charges in cases where the child victim or another person on her or his behalf does not file a report);

(f) Address corruption in law enforcement and the judiciary, as well as other authorities, with a view to caring for children, recognizing that corruption is a major obstacle to the effective enforcement of the law and the protection of children.

29. With regard to reporting, comprehensive legal frameworks should:

(a) Ensure that it is mandatory for professionals working with children to report instances where there is a suspicion or a risk of children being sold or sexually exploited. The obligation to report should be included in the codes of conduct and regulations of professional associations and in all institutions and agencies that regularly work with children at risk, including schools, residential and institutional facilities, medical services and law enforcement bodies;

(b) Ensure that Internet service providers, mobile telephone companies, search engines, Internet cafes and others are legally required to report any case of child pornography to the police, block access to offending websites and keep records, in accordance with established standards, for the purpose of investigation and prosecution. Similarly, financial institutions should be legally required to report, block and impede the functioning of financial mechanisms that make child pornography websites possible;

(c) Establish child-sensitive complaint, counselling and reporting mechanisms (see below).

30. With regard to protection, care and child-friendly procedures, comprehensive legal frameworks should:

(a) Empower the authorities concerned to intervene in situations of emergency and remove children from such situations if necessary;

(b) Provide child victims, witnesses and their families with adequate care, assistance and psychosocial support (including family support if needed) to ensure the full recovery and social reintegration of child victims;

(c) Ensure that child victims have access to child-sensitive information about their rights and relevant procedures, including for seeking compensation for damages, and that they exercise their right to be heard and listened to;

(d) Protect the privacy and well-being of child victims and witnesses at all stages of the criminal justice process (i.e. during identification, investigation, prosecution, punishment and extradition proceedings), including by ensuring that children are not subjected to fines, imprisonment or other punitive action;

(e) Ensure that children do not suffer from hardship and revictimization as a result of participating in criminal proceedings by limiting the number of interviews they are involved in, using video recordings and secure rooms, and providing legal aid or a special representative;

(f) Ensure free and easy access to legal remedies;

(g) Ensure prompt responses in the treatment of cases;

(h) Grant compensation to child victims and enforce the payment of such compensation, as necessary.

31. With regard to prevention, comprehensive legal frameworks should:

(a) Ensure children's birth is registered. A birth record, because it certifies a child's age, allows appropriate legal steps to be taken to ensure the protection of the child and the punishment of the offender. Children whose birth has been registered are less likely to be sold or illegally adopted, in part because they have proof of who their parents are;

(b) Develop and implement strict international and national adoption laws foreseeing: (i) adoption as a last resort; (ii) the identification of suitable measures, which include the placement of children with their biological or extended family; (iii) preference for national adoption over international adoption; and (iv) the obligation to conduct compatibility studies between the adoptive family and a child given up for adoption, keeping in mind the best interests of the child, with a view to avoiding the sale of children for illegal adoption;

(c) Ensure that vulnerable children have an adequate standard of living, free access to health care and services, education and social security, and that their parents receive the necessary support;

(d) Establish specific legal mechanisms and programmes for preventing recidivism among sex offenders and forbidding sex offenders from carrying out activities with children, including the collection and sharing of good practices and the establishment, where appropriate, of registers of sex offenders.

32. In order to ensure the effective implementation and ownership by all the stakeholders of this comprehensive legal framework, the following actions should be undertaken, in conjunction with the enforcement of legislation:

(a) Involvement of all stakeholders, including children and youths, in the development of the legal framework from the earliest stage of the process;

(b) Launch of awareness-raising and advocacy initiatives among communities, children and youths, ensuring that relevant issues are included in the public debate through the media, civil society and policymakers;

(c) Widespread dissemination, in a way that is user-friendly and appropriate, of information regarding legislation and procedures;

(d) Adequate training of judges, prosecutors, lawyers, police officers, teachers, social workers and other professionals regarding the rights, needs and best interests of the child;

(e) Provision of adequate resources to implement all measures, programmes and policies;

(f) Fostering transnational cooperation at regional and international levels, which is necessary owing to the mobility of children and offenders and the widespread use of new technologies.

#### **4. Early identification, effective protection, care and follow-up of child victims**

33. To ensure the effective identification, care, assistance and follow-up of child victims, precise and adaptable protocols must be developed and implemented with the participation of all those involved in child protection. Such protocols should clarify the steps that need to be taken (from the early identification of children who have been sold or become victims of prostitution or pornography to the full recovery and social integration of such children) and the role and responsibilities of each actor, thereby allowing for better coordination and information-sharing.

##### **Early identification**

34. It is crucial that children who have been sold or become victims of prostitution or pornography be identified early. Identification can be an effective means of

protecting child victims and children at risk of becoming victimized or revictimized, while also ensuring that they are not unjustly treated as offenders.

35. Furthermore, identification can play a key role in the creation and implementation of targeted prevention strategies and response measures to address existing protection gaps.

36. Methods used to identify child victims must enable professionals to distinguish whether a child who was sold was victimized for the purpose of sexual exploitation, forced labour, begging, illegal adoption or the transfer of organs. Professionals must also be able to determine whether a child was a victim of prostitution, including in the context of sex tourism, or of child pornography, including online pornography and grooming.

37. An essential component of the identification process is the establishment and implementation of appropriate procedures, including child-focused or child-friendly reporting and complaints mechanisms.

38. Any processes that enable the identification of child victims must be carried out in compliance with the principles outlined above and with standards that require the following:

(a) Respect for children's right to dignity and to having their views heard and taken into account in a safe and reassuring environment;

(b) Ensuring children's right to be informed quickly and in an accessible language or format about all the options, procedures, protective measures and services available to them;

(c) Providing children with appropriate professional support, including to address the various physical, psychological and social consequences of submitting a complaint;

(d) Treating the information obtained at all stages confidentially, upholding the rights of children, including the right to privacy, and preventing the inappropriate dissemination of information that could lead to the identification of child victims;

(e) Guaranteeing the safety of child victims, their families and witnesses by protecting them from any risk of harm, intimidation, reprisal or revictimization;

(f) Incorporating age assessment processes that consider both the physical appearance and psychological maturity of the individual and that are carried out in a safe, child- and gender-sensitive and fair manner by trained professionals, avoiding any risk of violation of the physical integrity of the child;

(g) Incorporating measures that protect against overreporting and revictimization;

(h) Ensuring that all processes are adequately resourced;

(i) Ensuring that all processes are subject to regular and systematic monitoring to determine whether they are child-friendly; such monitoring should include safeguarded consultations with the children who have availed themselves of the processes.

*Easy access to child-sensitive complaints and reporting mechanisms*

39. It is equally imperative that all children have easy and facilitated access to independent, child-sensitive, timely and effective complaints and reporting mechanisms (see also A/HRC/16/56). Such mechanisms should meet the following criteria:

(a) Be established by law and in conformity with international human rights instruments;

(b) Be guided by the best interests of the child and informed by children's experiences and perspectives;

(c) Maintain strict confidentiality during proceedings and related processes and respect the right of the child to privacy;

(d) Be actively and thoroughly publicized and made widely available to children and adults, including those acting on behalf of children;

(e) Be accessible to all children under the jurisdiction of the State, without discrimination of any kind, while being age appropriate and gender-sensitive and granting special protection to children at risk;

(f) Enable very young children and marginalized groups of children (unaccompanied or separated children, street children, children who do not speak the language of the dominant culture, children with disabilities etc.), who are more vulnerable, to have the same opportunities to communicate about actual or potential violations;

(g) Be accessible throughout the country through an easy-to-remember three-digit, toll-free, 24-hour hotline. Hotlines should provide practical aid and support to child victims in all the local languages and the languages of neighbouring countries and be connected with and able to contact relevant authorities when necessary;

(h) Guarantee the safety of children, including through measures to avoid any risk of harm, intimidation, reprisal or revictimization;

(i) Promptly and efficiently take and communicate decisions to avoid adverse consequences to those concerned, and be followed-up as deemed appropriate;

(j) Be adequately resourced financially, professionally and technically;

(k) Regularly undergo systematic monitoring to determine whether they are child-friendly; such monitoring should include safeguarded consultations with children who have availed themselves of the processes.

**Multidisciplinary protection, care and assistance**

40. Once a child victim has been identified, steps must be taken immediately to contact the relevant law enforcement and/or social service authorities to begin the process of securing appropriate care and assistance for the well-being of the child. When possible, child victims must be urgently removed from harmful situations and placed in a secure and supportive environment that will provide the necessary educational, health-care, recovery and rehabilitative support.

41. Bearing in mind the serious physical, psychological and emotional consequences of crime and victimization for victims and witnesses, children (and their families) must have access to professional and coordinated assistance and support, including financial aid, free legal assistance, counselling, health and medical care and educational services, as well as psychosocial recovery, rehabilitation and reintegration services.

42. The most effective responses are multidisciplinary and take into account the various types of short-, mid- and long-term care and assistance that child victims require for their full recovery and reintegration. True efficacy requires that responses be:

- (a) Part of a comprehensive recovery and rehabilitation plan;
- (b) Available to the child and her or his family;
- (c) Child- and culturally-sensitive, taking into account gender, ethnicity and disability and other factors that may heighten a child's vulnerability;
- (d) Equipped to provide special and prompt protection and assistance to child victims and witnesses; such assistance should be appropriate to the age, level of maturity and unique needs of the child in order to prevent further hardship and trauma;
- (e) Able to offer safe and child-friendly alternative or residential care that accommodates the basic needs of child victims, is governed by child protection norms and standards and is subject to regular monitoring. To that end, it is essential to establish minimum standards for alternative and residential care. All registered centres must be required to submit monthly reports on the arrival and departure of children and details related to their care and transfer;
- (f) Connected to an effective referral system that incorporates the obligation to investigate situations that place children at risk in order to enable the appropriate authorities to carry out interventions;
- (g) Staffed by professionals who are well trained, employ a collaborative and integrated approach, have the requisite knowledge and skills and are guided by child rights standards and ethical principles in counselling and support (including in relation to reporting and complaint mechanisms and to recovery and reintegration programmes);
- (h) Undertaken in an environment that supports the health, self-respect and dignity of the child and, in particular, promotes the complete physical and psychological recovery and social integration of all child victims;
- (i) Supported by adequate human, technical and financial resources.

#### **Regular follow-up of children**

43. To ensure that child victims receive appropriate assistance for their full social reintegration and physical and psychological recovery, follow-up measures must:

- (a) Provide appropriate mental health services for children, adolescents and adults;

(b) Favour family- or community-based environments over institutional or residential care for the long-term living arrangements of child victims, in accordance with the best interests of the child;

(c) Make available family support and counselling for children living in alternative forms of care, including those provided by foster families and other caregivers, to fully support children through all stages of their recovery process;

(d) Appoint a guardian for children who have been repatriated to their country of origin to ensure they receive long-term care and protection;

(e) Ensure that in cases where victims seek compensation for damages from those legally responsible for a violation, reparation mechanisms take into account the long-term reintegration, psychosocial and physical issues that victims might face;

(f) Follow up regularly until the child's full recovery is achieved.

## **5. Effective and comprehensive preventive measures**

44. Despite widespread recognition that investing in prevention is one of the main ways to safeguard the rights of children and combat all forms of violence perpetrated against children, including exploitation, the many preventive measures currently taken by various stakeholders are mainly reactive and insufficiently effective.

45. Because of the multifaceted nature and complexity of the sale of children, child prostitution and child pornography, preventing the victimization of children requires the adoption of effective preventive measures that are developed in the framework of a comprehensive child rights system and involve all relevant stakeholders, including children, families and communities.

### *Guiding principles*

46. To be effective, preventive measures should form the core component of national child protection systems and be anchored in child-rights laws and policies.

47. Preventive measures should be implemented more proactively by adopting a strong preventive and prohibitive legal framework (see paras. 25-32 above) and mainstreaming strategies aimed at growth and poverty reduction, such as the Millennium Development Goals, into broader national policy frameworks with a view to minimizing the risk of children being sold and sexually exploited and implementing a vulnerability risk assessment framework that would enable professionals to determine when a child is in a situation requiring intervention and when he or she requires support, as well as to determine which type of action is most appropriate given the child's needs.

48. Preventive measures should address critical socio-economic factors by:

(a) Ensuring that all children are immediately registered for free at birth and that special attention is paid to children who have not yet been registered, children at risk and children in marginalized situations;

(b) Ensuring the availability of and access to socio-economic services, beginning with adequate food, housing, education and health care, for children at risk and their families, enabling them to live a life of dignity;

(c) Providing single mothers (particularly adolescent girls) with support through social welfare systems that offer a full range of alternative care services and assistance within child protection systems;

(d) Ensuring that all preventive measures are known, available and accessible to the most vulnerable and marginalized children.

49. Preventive measures must include steps to promote sustainable education and awareness-raising, including by:

(a) Conducting awareness-raising and educational campaigns in schools, communities, rural and remote communities and making use of all forms of media, information and communications technologies, including social networking tools. Effective campaigns should be developed collaboratively by professionals from different disciplines and others working with children and must be adequately resourced;

(b) Involving community and religious leaders with a view to using their moral authority, social influence and leadership to guide communities in protecting children against all forms of violence, abuse and exploitation;

(c) Informing children, their families and others working with children about the availability of complaints mechanisms and child-friendly complaint, reporting and counselling services, including hotlines, if a child has been or is at risk of being victimized in any way;

(d) Making available in schools sex education programmes that provide information on healthy sexual development, safe sex and reproduction, and emphasize gender equality, self-respect, empowerment and respect for others. In the absence of such programmes, the proliferation of images and videos through information and communications technologies may shape children's first ideas about sexuality and sexual behaviour, increasing the risk that they will reproduce while still young or become victims of abusive behaviour;

(e) Undertaking partnerships with print and electronic media and the private sector (particularly in the areas of tourism and information technology) to disseminate information and launch campaigns designed to raise awareness about the rights of children, laws that prohibit and seek to combat all forms of violations, the increased risks faced by many children and certain behaviours that may indicate predatory activity taking place in a community or online. Information and communications technologies, including social networking tools, should be utilized fully to reach as many children as possible.

50. Preventive measures should include steps to fund and conduct shared research on the national and transnational demand for services that exploit children and analyses of the specific context in which harmful and discriminatory social norms (practices, behaviours, attitudes) take place. Such research and analyses would be used to inform laws and policies.

51. Preventive measures must encourage and facilitate child participation and empowerment. That can be done by encouraging and supporting child-led initiatives in all preventive measures and by supporting children in gaining broader knowledge about their rights and the options available to them to address abuse so that they are empowered and able to protect themselves and other children.

## 6. Child participation and empowerment

### Child participation

52. Children are not only victims or vulnerable: they can and should actively take part in finding solutions. Child participation is based on the right of each child to express her or his views and to have those views taken into consideration in all matters that directly or indirectly concern her or his life, with the objective of influencing decision-making and achieving change.

53. Child participation also refers to a way of working that gives children, including those most marginalized and those of different ages and abilities, the opportunity to participate on an informed and willing basis.

54. Finally, child participation is essential to a child-rights approach. As such, it must be implemented in all areas, programmes, policies and other relevant actions, from homes to Governments and from the local to the international level.

55. Responsibility for ensuring the participation of children is broadly shared by local governments and authorities, people who work directly with or on behalf of children, parliaments and legislatures, non-governmental organizations and civil society, independent national human rights institutions, the private sector and corporate entities, religious, spiritual, cultural and indigenous leaders, and regional and international organizations and multilateral agencies. The mass media also has an important role to play in communicating the value of children's participation for all children, families and wider society.

56. Adapting practical measures that give children increasing responsibilities in accordance with their age and development, known as the principle of evolving capacities, is closely connected with the right of the child to be heard. Giving full effect to that principle is recognized as a challenging exercise owing to the difficulty that many adults have in accepting the capacities of a child to understand, communicate and make informed choices during important decision-making processes.

### *Guiding principles*

57. Child participation mechanisms must operate in compliance with internationally recognized standards and ensure the following:

(a) Availability of and access to well-publicized information in local languages and different formats (for children with disabilities) that is suitable for children of different ages, including the very young, and at different stages of maturity;

(b) Voluntary and informed participation of child and youth representatives;

(c) Institutionalization of mechanisms for the participation, without discrimination, of all children, such as children's parliaments, youth forums, councils and committees at the national, regional and municipal levels;

(d) Establishment and maintenance of a child-friendly and enabling environment that ensures the protection and safety of children;

(e) Equality of opportunity and guaranteed participation of children from vulnerable and marginalized at-risk groups, including children with disabilities and

those living in extreme poverty, in rural and remote areas, within alternative care settings or living and/or working on the streets, taking care to avoid the representation of only children from privileged backgrounds;

(f) Establishment of and adherence to ethical standards and child rights principles that include transparency and accountability;

(g) Presence of effective, professionally trained, qualified and confident staff and support personnel;

(h) Incorporation of regular and independent monitoring of the quality, permanence, accountability and follow-up activities of the mechanisms and the practices they give rise to.

58. Children's participation must be systematized in all monitoring activities: children must have the opportunity to provide feedback on processes and make suggestions for possible improvements, thus ensuring that their views are taken into consideration. In addition, children must be provided with child-friendly and accessible feedback on their participation through immediate and clear statements on the impact and value of their contributions, the decisions they have taken and next steps. This enables children to understand the outcome and use of their contributions.

### **Child empowerment**

59. To enable children to be part of efforts to effectively combat the sale of children and all forms of exploitation, including sexual exploitation and forced labour, children must be empowered to fight for their own protection and that of their peers. There are currently countless child-led organizations and networks around the world dealing with major issues of concern such as human trafficking, commercial sexual exploitation, forced labour and street children.

### *Guiding principles*

60. Child-led organizations and peer-to-peer initiatives must operate in compliance with the guiding principles and standards related to child participation set out above. Governments should encourage and support child-led organizations and initiatives (peer-to-peer initiatives and youth-led research) by:

(a) Providing technical, material and logistical support to enable children to develop and carry out their activities;

(b) Ensuring the enhanced recovery and skill-development of any child victim participating in such initiatives;

(c) Developing structures and protective frameworks that enable victims and at-risk children to carry out activities in a secure and supportive environment;

(d) Involving children in decision-making processes related to all matters of concern to children and youth.

## **7. Regular and effective monitoring and assessment**

61. A wide variety of national, regional and international efforts have been made around the world to prevent and combat violations of the rights of the child. While such efforts represent an important first step, weak or absent centralized information

systems and monitoring mechanisms make it extremely difficult to evaluate and measure changes in the situation of children and the impact of any action taken or to make evidence-based decisions for future action.

62. In the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, the participants in the Third World Congress against Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro, Brazil, from 25 to 28 November 2008, recommended the establishment by 2013 of independent institutions for the promotion and protection of the rights of the child, taking into account general comment No. 2 of the Committee on the Rights of the Child. The objective of such independent institutions is to ensure the protection of children, the restitution of their rights, independent monitoring of the strategies and policies being implemented, advocacy for strengthening legal frameworks and the availability of and accessibility to appropriate legal remedies, including the possibility of filing complaints.

### **Assessment and monitoring of national child protection policies, strategies and programmes**

63. Monitoring is one of the key measures needed for the effective implementation of protection systems, making it possible to review progress made and identify existing challenges and proposals regarding remedial actions. Monitoring can therefore also serve a preventive function.

64. The expansion and strengthening of mechanisms for monitoring and assessing policies and programmes must be done in accordance with the following principles and standards:

(a) Monitoring should include a review of steps taken, progress achieved and possible impediments faced in the implementation of political commitments that have been undertaken; periodic reports should be made to parliament and the general public;

(b) Multisectoral and collaborative efforts should be encouraged between the Government, the parliament, the public administration, child protection networks, civil society (including children, families and the general public), community-based organizations, the media and the private sector;

(c) Monitoring processes should be standardized, yet remain flexible enough that they can be adapted and applied to specific contexts;

(d) Accountability in budget allocation and use must be developed and monitored;

(e) Attention should be paid to the implementation of relevant recommendations that have been adopted or issued by international and regional bodies and mechanisms (treaty bodies, special procedures mandate holders, the universal periodic review and regional and national human rights institutions);

(f) Every context requires a comprehensive and reliable national data collection system to ensure that accurate information is available and to facilitate the monitoring and evaluation of systems, services, programmes and outcomes so that appropriate responses can be developed;

(g) Evaluation should ideally be based on universally recognized, locally adapted and evidence-based indicators.

### **Independent monitoring mechanisms**

65. Several kinds of independent monitoring mechanisms are available, including independent children's rights advocates such as children's ombudspersons or focal points on children's rights, which could be located within an existing human rights institution or the office of a general ombudsperson.

66. Regardless of its structure, each human rights institution and monitoring mechanism should be established in accordance with internationally recognized guiding principles and standards and must be:

(a) Independent, fully competent and broadly, clearly and flexibly mandated to promote and protect the rights of the child in a proactive and innovative manner;

(b) Consultative, inclusive, transparent and based on a holistic vision of the child and her or his relationships with other actors;

(c) Committed to prioritizing the best interests of the child, including by strictly observing principles of confidentiality and promoting a child-friendly environment founded on trust;

(d) Reactive and proactive and playing a central role in the independent monitoring of actions taken to prevent and protect children from being sold or exploited, whether for sexual or other purposes, including by restoring the rights of victims, advocating for strengthened legal frameworks and enforcement and ensuring access to effective remedies and redress, including independent complaints procedures;

(e) Authorized to undertake investigations and make inquiries into general and specific violations of the rights of the child (on its own initiative or in response to complaints filed);

(f) Able to conduct regular visits to settings, including, in particular, to detention and care institutions, to ensure that they conform with established standards and to determine the extent to which the views of children are listened to and weighed by the institution;

(g) Adequately resourced and staffed by professionals from a variety of disciplines wherever possible.

67. Furthermore, monitoring institutions must:

(a) Review the adequacy, effectiveness and impact of laws and practices on the rights of the child and promote their harmonization with the Convention on the Rights of the Child and its optional protocols and other international human rights instruments;

(b) Review the activities and impact of corporate social responsibility initiatives;

(c) Ensure that children are able to exercise their right to be heard on matters concerning them and in defining issues related to their rights, and to publicize widely the availability of effective remedies and redress, including the possibility of submitting individual complaints for violations of children's rights;

(d) Ensure that the principles and provisions of the international and regional children's rights instruments that have been ratified are widely known and understood, including by Governments, public agencies, civil society and the general public, including children;

(e) Review and report on Governments' implementation and monitoring of the state of children's rights, including by ensuring that statistics and other data are collected, appropriately disaggregated, processed, analysed and shared;

(f) Make independent contributions to the process of reporting on children's rights to the international treaty bodies;

(g) Undertake rigorous and periodic independent monitoring to determine what progress has been achieved and what challenges remain.

## **8. Effective corporate social responsibility**

68. The commitment and involvement of businesses has increased considerably and a large number of corporate social responsibility initiatives are currently under way. While some States have adopted legislation on the responsibility and accountability of Internet service providers, telecommunications companies and banks, participation in most corporate social responsibility initiatives remains voluntary.

69. A significant number of businesses have adopted codes of conduct in an attempt to adhere to international legal standards. In addition, they have supported, in partnership with Governments and non-governmental organizations, information and awareness-raising campaigns, as well as prevention and child protection programmes.

70. Numerous principles and guidelines have been developed, including the following:

(a) The United Nations Global Compact, which is a collection of policies and practices through which support is sought from corporate partners to mainstream ten principles focusing on human rights, labour rights, environmental sustainability and actions aimed at combating corruption;

(b) The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism,<sup>5</sup> which aims to prevent the sexual exploitation of children at tourism destinations through the efforts of tour operators and members of their umbrella organizations (travel agents, hotels, airlines etc.) that endorse the Code;

(c) The guidelines aimed at the information and communications technology industry on child online protection,<sup>6</sup> which provide strong rules to protect children from abuse and defend the rights of children in the context of the information and communications technology industry, broadcasters, mobile telephone operators and Internet service providers;

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<sup>5</sup> The Code is a joint initiative of ECPAT International, the United Nations Children's Fund and the World Tourism Organization.

<sup>6</sup> Available from [www.itu.int/osg/csd/cybersecurity/gca/cop/guidelines/index.html](http://www.itu.int/osg/csd/cybersecurity/gca/cop/guidelines/index.html).

(d) The guidelines and principles for reporting on issues involving children<sup>7</sup> developed by the International Federation of Journalists, which encourage media organizations to regard violations of the rights of children and issues related to children's safety, privacy, security, education, health and social welfare and all forms of exploitation as important questions for investigation and public debate.

71. However, although several excellent initiatives provide guidance to businesses on the issue of the protection of children, a comprehensive set of principles does not currently exist to contextualize such guidance within an overarching and coherent framework for businesses and stakeholders on what to do to respect and support children's rights.

72. To that end, in June 2010 the United Nations Children's Fund, the United Nations Global Compact and Save the Children launched a process to develop a set of principles that would outline the full range of actions that businesses could take to respect and support children's rights, promote government engagement with businesses regarding children's rights, offer a unifying framework for existing and future initiatives, promote collaboration among businesses and between businesses and other stakeholders, and raise awareness of the positive and negative impact that businesses have on children. The principles, to be finalized in November 2011, will also be a call to action with regard to the issue of business and children.

73. With a view to incorporating provisions on preventing the sale of children and the involvement of children in prostitution and pornography into new or existing corporate social responsibility initiatives in the tourism, travel, transportation, agriculture, financial services, communications, media, Internet services, advertising and entertainment sectors, among others, steps should be taken to do the following:

(a) Encourage, expand, harmonize and share information on existing initiatives and practices;

(b) Adopt corporate social responsibility instruments throughout the supply chain and to raise awareness among and train all personnel (employees and employers);

(c) Ensure that corporate social responsibility policies are appropriately implemented and that widespread public awareness activities and campaigns are undertaken targeting children, parents and communities, including by using their know-how, human and financial resources, networks, structures and leveraged power;

(d) Respect international corporate labour standards that prohibit the employment of children in any manner that results in exploitation, secure decent working conditions and support women and men who work in their roles as parents or caregivers, and adhere to ethical operating practices in terms of accountability, transparency, respect for the rule of law and payment of fair taxation to generate revenues for economic growth and poverty reduction;

(e) Protect children against online sexual exploitation, including by restricting access to harmful or illegal content through filtering, blocking and

<sup>7</sup> Available from [www.ifj.org/en/articles/childrens-rights-and-media-guidelines-and-principles-for-reporting-on-issues-involving-children](http://www.ifj.org/en/articles/childrens-rights-and-media-guidelines-and-principles-for-reporting-on-issues-involving-children).

monitoring programmes; providing tools that allow parents and caregivers to control the content of the user; equipping children and their parents with information and user-friendly tools; ending the use of the Internet and new technologies for the grooming of children and the subsequent perpetration of abuse, whether committed online or not; reporting offending content to police; establishing accessible telephone or web-based hotlines; and taking actions to trace and stop the flow of financial transactions for the sexual exploitation of children through the services of financial institutions;

(f) Protect children against child sex tourism by establishing an ethical policy regarding the commercial sexual exploitation of children; training personnel on countries of origin and travel destinations; providing information to travellers in catalogues, brochures, in-flight films and advertisements, websites and on tickets etc.; and providing information to local key persons at destination;

(g) Reinforce community and government efforts to respect children's rights by providing support for services to child victims or children at risk and their families and educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children on children's vulnerability to exploitation, on the use of the Internet, mobile telephones and other new technologies for the purpose of sexual exploitation and on protective measures;

(h) Ensure the effective monitoring of corporate social responsibility mechanisms and activities and report back to stakeholders.

## **9. Effective international cooperation**

74. The sale and sexual exploitation of children have increasingly become international phenomena owing to the development of information technologies, trafficking networks, tourism and migration. Consequently, it is virtually impossible to address these crimes adequately without solid networks at the regional and international levels aimed at promoting coordination and cooperation. This cooperation should facilitate the exchange of information and expertise, the sharing and harmonization of practices and the provision of technical and financial support.

75. Although numerous transnational actions have been taken, including cooperation among police forces to facilitate the exchange of information and expertise and the provision of technical and financial support to developing countries, international cooperation and, in particular, North-South cooperation remains scarce. Some investigative methods (e.g. image analyses of online pornographic material involving children) require important investments in expertise and sophisticated computer technology that developing countries cannot afford. For that reason, human, technical and financial support is essential to ensuring an effective global response to these issues.

76. Divergent legislation, non-harmonized procedures and information systems and a lack of political will on the part of some States to cooperate in investigations and prosecutions represent a significant challenge to efficient regional and international cooperation.

77. In order to ensure sustainable and efficient international cooperation to effectively prevent and combat the sale of children, child prostitution and child pornography, it is necessary to do the following:

(a) Review progress and strengthen follow-up activities on the implementation of existing multilateral, regional and bilateral agreements for the prevention, detection, investigation, prosecution and punishment of offenders and for assisting child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation;

(b) Expand and strengthen multilateral, regional and bilateral agreements by defining clearly the obligations and contributions of each party, time-bound goals and monitoring indicators;

(c) Support and contribute to the international child abuse images database of the International Criminal Police Organization (INTERPOL) and nominate a national focal point (person or unit) to collect and promptly update national data on the sexual exploitation of children and adolescents. Information should be shared systematically with INTERPOL to encourage cross-border law enforcement action, strengthen the effectiveness of such action and adopt multilateral agreements, especially for investigative work carried out by police forces;

(d) Enhance North-South and South-South cooperation, including through the exchange of information and expertise, the sharing and harmonization of practices and tools, and the provision of technical assistance and logistical and financial support to programmes for children run by the public sector, non-governmental organizations and youth initiatives;

(e) Develop, where appropriate and in cooperation with the private sector, policies and programmes that promote and support corporate social responsibility with the support of United Nations agencies, non-governmental organizations, civil society organizations and workers' and employers' organizations;

(f) Establish monitoring mechanisms in order to assess the effectiveness of the cooperation.

### **III. Conclusions: implementation process**

**78. The effective implementation of rights-based child protection systems requires:**

(a) **The strong political will of Governments, backed by the allocation of adequate resources;**

(b) **Full engagement of all actors in a children's rights-based programming approach and the principles involved;**

(c) **Concerted and effective cooperation at the national, regional and international levels, in view of the multi- and intersectoral dimensions of the sale of children, child prostitution and child pornography.**

#### **National level**

**79. In order to effectively prevent and combat the sale of, trafficking in and exploitation, including sexual exploitation, of children, comprehensive, appropriately structured and resourced child protection systems must be developed under a comprehensive and cohesive plan of action (or integrated**

into existing development plans); such systems should include targeted legislation, multisectoral policies and programmes that clearly identify the primary actors, their roles and responsibilities, follow-up activities and regular assessment and monitoring activities. National plans of action must be decentralized and developed at the local level.

80. The implementation of child protection systems requires a global mapping and assessment to be carried out, in accordance with the relevant principles and components, with a view to identifying the main issues relating to child protection and examining the scope and capacity of existing child protection laws, policies, strategies and programmes, including informal child protection mechanisms (that rely, for example, on traditional and custom-based authority or community-based organizations).

81. The mapping process must involve all the key players in child protection (public and private sectors, national human rights institutions, non-governmental organizations), including children and communities, with a view to:

(a) Having a global overview of the multidimensional nature of the sale of children, child prostitution and child pornography;

(b) Reviewing the whole legal framework (civil, penal, regulatory) to ensure its compliance with children's rights standards and highlight strengths and gaps;

(c) Identifying the key risks facing children, particularly the most vulnerable;

(d) Prioritizing data requirements for monitoring and evaluating child protection in the country and identifying the need for additional data on less visible themes;

(e) Clearly identifying the primary actors and their roles and responsibilities as children's rights duty bearers;

(f) Assessing the capacity of key formal and informal structures (ministries, agencies, partners, communities, child-led initiatives etc.) to develop, administer, effectively implement and monitor their child protection responsibilities;

(g) Evaluating the availability, accessibility and quality of existing programmes, services and mechanisms and their compliance with standards and norms;

(h) Drawing on promising practices, with a view to capitalizing on them and increasing their impact;

(i) Assessing achievements and challenges relating to the participation and empowerment of children and youths;

(j) Identifying the assets and breaches of institutional mechanisms for coordination, evaluation and monitoring;

(k) Assessing the strengths of and gaps in existing bilateral and multilateral agreements between Governments, as well as existing partnerships with the private sector, the media, civil society and community- and child-led organizations;

(l) **Providing clear information on the financial and human resources allocated;**

(m) **Evaluating the effectiveness of mechanisms aimed at promoting the accountability of all children's rights duty bearers.**

**82. The mapping and assessment will contribute to enabling all actors involved in child protection, including children and communities, to outline a future national policy that complies with children's rights instruments and standards by doing the following:**

(a) **Identifying and prioritizing actions to build effective child protection systems in compliance with the principles and components outlined above;**

(b) **Establishing effective coordination and accountability mechanisms through the effective regulation and monitoring of child protection standards at all levels;**

(c) **Establishing a centralized, standardized and reliable information system, thus enabling a better analysis of data and of emerging and long-term trends and information-sharing between relevant entities at the national level;**

(d) **Defining the technical, financial and human resources required to implement such child protection systems;**

(e) **Adopting a strategy to mobilize resources in the framework of partnerships with civil society, the private sector, the media and international organizations.**

**83. To ensure effective implementation and ownership by all stakeholders, the following actions should be undertaken:**

(a) **Mobilization and involvement of all stakeholders, including children and youth, in the whole process (mapping and assessment, elaboration, implementation, follow-up and monitoring);**

(b) **Awareness-raising among the public and private sectors, community leaders, children and non-governmental organizations, and ensuring that relevant issues are included in the public debate through the media.**

**84. While some States have demonstrated a strong commitment to improving child protection systems, their capacity to act is sometimes hampered by political instability and limited resources. In such cases, it is essential to provide sustainable support through strong and coordinated cooperation at the regional and international levels.**

### **International level**

**85. The implementation of effective child protection systems requires the full participation of all stakeholders at the regional and international level, such as Governments, United Nations entities and other partners in the international community, the private sector (multinational companies), the media and international organizations.**

**86. In the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents it was recommended that a**

**comprehensive framework be established by 2013 to harmonize and facilitate coordination and cooperation at the national, regional and international levels among all relevant stakeholders, including child-led organizations, to enable and support concrete actions to prevent and stop the sexual exploitation of children and adolescents.**

**87. If necessary, technical assistance could be extended to States by United Nations agencies and United Nations human rights mechanisms, with a view to providing support for the elaboration and implementation of rights-based child protection systems.**

**88. The universal ratification of the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography and all relevant international and regional instruments is an essential prerequisite for the development of an effective international child protection framework.**

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